

REMARKS

Claims 1-5, 8-14, and 16-18 are pending. Claims 12-14 and 16-18 have been rejected under 35 U.S.C. §102. Claims 1-5 and 8-11 have been rejected under 35 U.S.C. §103.

Claims 1, 5, and 12 have been amended. Support for the amendments to the claims is found in at least paragraphs 17 and 18 of the specification. Claim 4 has been cancelled without prejudice. Claims 1-3, 5, 8-14, and 16-18 remain for consideration upon entry of the present Amendment. No new matter has been added.

Claims 12-14 and 16-18 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,092,041 to Podolsky (hereinafter "Podolsky"). Claim 12 has been amended as indicated above. Reconsideration is respectfully requested.

Podolsky is directed to a shaving device having a hollow handle in which a replaceable container is inserted. A central unit is mounted to the handle, and a head is mounted to the central unit. An inlet pipe allows for fluid communication from the replaceable container, through the central unit, and to the head. The rear side of the central unit has an opening in which a pump is inserted. The pump has a cylinder with an opening, a spring, and a piston with a first button. Shaving cream is supplied from the replaceable container through the head onto a user's skin. To operate the device, the head is inserted into warm water and a second button in a collapsible chamber is pressed and released to aspirate the warm water into the collapsible chamber. The first button of the pump is depressed and a flat valve closes. Upon releasing the first button, shaving cream in the replaceable cartridge is aspirated up into the button. Upon pushing the first button again, the flat valve closes again and the piston action of the button forces the shaving cream accumulated in the button through the inlet pipe, out the head, and onto the user's skin. The device has a separate chamber from which cologne or some type of refreshing substance can be atomized (via a third button), as well as brushes for distributing the dispensed shaving cream and balls for massaging the skin when the device is moved over the skin.

Claim 12 has been amended to recite that the reciprocating mechanism is attached to one or more razor blades, and a reciprocating motion of the one or more razor blades during a shaving operation causes the reciprocating mechanism to dispense the shaving aid material.

Podolsky fails to disclose, teach, or suggest a reciprocating mechanism attached to one or more razor blades, and wherein a reciprocating motion of the one or more razor blades in a shaving action operates the reciprocating mechanism to dispense the shaving aid material, as recited in claim 12. Shaving with the device of Podolsky will not operate the

reciprocating mechanism. More specifically, the blades in the Podolsky device merely cut the hair during a shaving operation, and the reciprocating action to dispense the shaving aid is effected by the user operating the first button with his finger. There is no reciprocal movement of the blades to dispense shaving aid material. A device having razor blades and causing the razor blades to reciprocate in a shaving action to operate a reciprocating mechanism to dispense shaving aid material, as recited in claim 12, is patentably distinct from a device in which the razor blades are not capable of moving reciprocally to dispense shaving aid material and instead use a finger operated push button to dispense shaving aid material, as in Podolsky.

Because Podolsky fails to disclose, teach, or suggest a reciprocating mechanism attached to one or more razor blades, and wherein a reciprocating motion of the one or more razor blades in a shaving action operates the reciprocating mechanism to dispense the shaving aid material, as recited in amended claim 12, claim 12 is not anticipated by the Podolsky reference. For at least this reason, claim 12 is allowable, and Applicants respectfully request that the Examiner withdraw the rejection of claim 12.

Claims 12-14 and 16-18 have also been rejected under 35 U.S.C. §102(b) as being anticipated by European Patent Application EP 1,252,980 (hereinafter "the '980 reference"). Claim 12 has been amended as indicated above. Accordingly reconsideration is respectfully requested.

The '980 reference is directed to a hair removing device capable of feeding a lotion for facilitating the treatment of the hair. A treatment head from which the lotion is dispensed includes a hair removing unit (for removing the hair by depilation or epilation) and an applicator which dispenses the lotion on the user's skin. The treatment head is provided with an actuator which activates a lotion supply mechanism when the treatment head is applied to the skin and when the actuator is depressed. The lotion supply mechanism may be a pump that can be activated to draw the lotion from a tank and feed the lotion to the applicator as the applicator is pressed on the skin. Thus, lotion can be fed from the device to the skin without requiring an additional switching operation on the part of the user.

The '980 reference fails to disclose, teach, or suggest a reciprocating mechanism attached to one or more razor blades, and wherein a reciprocating motion of the one or more razor blades in a shaving action operates the reciprocating mechanism to dispense the shaving aid material, as recited in amended claim 12. More specifically, shaving aid material is dispensed by pressing the actuator on the skin, and the actuator in the device of the '980 reference operates independently of those elements to dispense the shaving aid material.

Furthermore, the '980 reference fails to disclose razor blades as recited in amended claim 12. A device having razor blades and causing the razor blades to reciprocate in a shaving action to operate a reciprocating mechanism to dispense shaving aid material, as recited in claim 12, is patentably distinct from a device in which an actuator is separately operable from a treatment head to dispense shaving aid material, as in the '980 reference.

Because claims 13, 14, and 16-18 depend from claim 12, claims 13, 14, and 16-18 add recitations that further define the subject matter of independent claim 12. Because claim 12 is believed to be allowable for at least the reasons presented above, claims 13, 14, and 16-18 are therefore also believed to be allowable. Consequently, Applicants respectfully request that the rejections of claims 13, 14, and 16-18 be withdrawn.

Claims 1-5 and 8-11 have been rejected under 35 U.S.C. §103(a) as being unpatentable over the '980 reference in view of International Patent Application WO 00/47374 (hereinafter "the '374 reference"). The Examiner alleges that the '980 reference shows a shaving apparatus comprising a reservoir, at least one conduit extending between the reservoir and one or more ports, a pump in fluid communication with the reservoir, the pump having a reciprocally operable mechanism, and a one-way valve disposed in fluid communication with the reservoir. The Examiner further alleges that the difference between the claimed invention and the device of the '980 reference resides in the type of shaving apparatus (i.e., "dry" versus "wet"). The Examiner further alleges that the '374 reference shows a shaving apparatus of the claimed type that comprises razor blades mounted in a razor cartridge that is pivotally mounted in a head assembly. The Examiner still further alleges that it would have been obvious to one of ordinary skill in the art to modify the device of the '980 reference by making the shaving apparatus a wet shaver type so that the shaving apparatus can be used without the need for a power source as allegedly taught by the '374 reference.

The teachings of the '980 reference are presented above.

The '374 reference is directed to a safety razor having a blade unit pivotally mounted on a carrying structure for movement about an axis. The carrying structure is attached to a container. The container includes a canister and a fluid reservoir formed within a bag, the bag having a flexible wall which is collapsible as the contents of the bag are discharged. A neck at the upper end of the bag is sealed to a valve housing. A resiliently compressible annular valve seat is held between a top wall of the canister and the valve housing. A valve member is disposed within the valve housing. A closed space confined between the canister and the bag contains a propellant gas for forcing the bag to collapse and discharge its contents when the valve member is opened relative to the valve seat.

Claim 1 has been amended to recite that a reciprocal movement of the one or more razor blades relative to the reservoir actuates the pump to cause the pump to transfer shaving aid material from the reservoir to the one or more ports. The '980 reference fails to disclose, teach, or suggest the use of a reciprocal movement of razor blades to cause the transfer of shaving aid material, as recited in claim 1. More specifically, the device of the '980 reference uses an actuator that is movable separately from the treatment head (which includes the mechanisms for removing the hair by depilation or epilation). A device that utilizes the reciprocal movement of razor blades to cause the transfer of shaving aid material, as recited in claim 1, is not one in which an actuator that is separately operable from a treatment head dispenses shaving aid material, as in the '980 reference.

The '374 reference also fails to disclose, teach, or suggest a device in which razor blades move reciprocally to cause the transfer of shaving aid material. More specifically, the device of the '374 reference has a pivotally mounted blade unit and not, as recited in amended claim 1, razor blades capable of reciprocal movement to transfer shaving aid material. Razor blades that move reciprocally to transfer shaving aid material, as in claim 1, are not blades that are pivotally mounted, as in the device of the '374 reference.

The combination of the '980 reference and the '374 reference still further fails to disclose, teach, or suggest the reciprocal movement of razor blades to cause the transfer of shaving aid material. The devices of neither the '980 reference nor the '374 reference allow razor blades to move reciprocally relative to the reservoir. The device of the '980 reference does not even have razor blades. Because both the '980 reference and the '374 reference fail to disclose a device in which the razor blades move reciprocally to transfer shaving aid material, the combination thereof would necessarily also fail to disclose such a device.

Because neither the '980 reference nor the '374 reference, individually or in combination, discloses, teaches, or suggests what Applicants claim in their amended claim 1, viz., a device in which razor blades move reciprocally to cause the transfer of shaving aid material, both the '980 reference and the '374 reference, individually or in combination, fail to teach all of the claim recitations of Applicants' invention. Consequently, because not all of the claim recitations are taught by the cited reference, Applicants' amended claim 1 is necessarily non-obvious, and Applicants respectfully request that the Examiner withdraw the rejection of claim 1.

Because claims 2-5 and 8-11 depend from claim 1, and because claim 1 is asserted to be non-obvious for the reasons presented above, claims 2-5 and 8-11 are necessarily non-obvious. Applicants, therefore, respectfully submit that claims 2-5 and 8-11 are allowable.

Accordingly, Applicants respectfully request that the rejections of claims 2-5 and 8-11 be withdrawn.

Applicants believe that the foregoing amendments and remarks are fully responsive to the Office Action and that the claims herein are allowable. An early action to that effect is earnestly solicited.

If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is invited to telephone the undersigned.

Applicants believe that no fees are due with the submission of this Amendment. If any charges are incurred with respect to this Amendment, they may be charged to Deposit Account No. 503342 maintained by Applicants' attorneys.

Respectfully submitted,

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